
PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

<u>SECTION CONTENTS</u>	<u>Page</u>
<u>STATE DEPARTMENT OF MENTAL HEALTH</u>	1120.1-5
Forensic Services	1120.1
Responsibilities	1120.1
Policy Development	1120.1
Program Implementation.....	1120.1
Liaison Function	1120.1
CONREP Operations	1120.2
Staff and Program Support.....	1120.2
Policy Implementation	1120.2
Contract Monitoring.....	1120.2
Fiscal & Data Support Function.....	1120.3
State Hospitals	1120.4
Role in Treatment.....	1120.4
Identified Hospitals	1120.4
Hospital Forensic Coordinator	1120.4
CONREP Liaison Function.....	1120.4
Forensic Policy Dissemination	1120.5
Policy and Procedure Manual	1120.5
Previous Policy System.....	1120.5

PROGRAM DESCRIPTION:
ROLES AND RESPONSIBILITIES

	<u>Page</u>
Forensic Information Letter	1120.5
<u>ORGANIZATIONAL CHART</u>	1120.6
<u>COMMUNITY PROGRAM</u>	1120.7-17
Service Contracts	1120.7
Contractors	1120.7
24 Hour Coverage	1120.7
Program Organization	1120.7
Program Structure	1120.8
Program Characteristics	1120.8-9
Central Administration and Responsibility	1120.8
Program Authority	1120.8
Staff Orientation, Supervision and Meetings	1120.8
Interdisciplinary Focus	1120.9
Staff Diversity/Cultural Competence	1120.9
Policies and Procedures	1120.9
Community Program Director	1120.9-10
Department Designation	1120.9
Designation Process	1120.10
Application	1120.10
Licensure	1120.10
Waiver of Licensure	1120.11
Knowledge and Skills	1120.11

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

	<u>Page</u>
Professional Staff.....	1120.11-13
Ethical Behavior.....	1120.11
Licensure	1120.12
Knowledge and Skills	1120.12-13
Waiver of Licensure Process	1120.14-16
Registration Requirements.....	1120.14
Duration of Waiver	1120.14
Licensure Waiver Request Form [MH 7016].....	1120.15
Unlicensed Psychologists.....	1120.15
Documentation of Waiver Requirements.....	1120.16
Supervision.....	1120.16
Licensing Authority Investigations.....	1120.16-17
CONREP Notification.....	1120.16
Licensing Authority Action	1120.17
Request for Continued Employment.....	1120.17

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

STATE DEPARTMENT OF MENTAL HEALTH

Forensic Services

Responsibilities

The Forensic Conditional Release Program is administered by the State Department of Mental Health through its Forensic Services. In addition, Forensic Services serves as the focal point within the Department to address policy issues related to the mental health needs of the forensic population. Forensic Services is organized into two sections: CONREP Operations and Mentally Disordered Offender (MDO) Unit.

Policy Development

CONREP Operations is responsible for the development of departmental policies concerning the operation of the Forensic Conditional Release Program and the treatment of mentally ill forensic patients.

Program Implementation

The statutes which established CONREP mandated responsibility for its operation to DMH. The Department is committed to local community implementation, rather than a state operated direct services program. DMH has established a process by which services are provided within each county through service contracts with local county or private providers.

Liaison Function

Staff serve in a liaison role by participating in regular meetings with various organizations and groups that are directly involved with CONREP and by addressing other forensic mental health issues.

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

STATE DEPARTMENT OF MENTAL HEALTH

CONREP Operations

Staff and Program Support

CONREP Operations is responsible for monitoring local program operations throughout the state. These functions are performed by clinical and administrative staff and coordinated by the CONREP Operations Manager.

CONREP Operations staff provide clinical and administrative direction and support to the community programs. The staff work directly with community program directors, private providers and other interested officials to assist local program implementation.

Policy Implementation

CONREP Operations staff determine compliance with Department policies, regulations, statutes, and contract requirements. The offices also monitor clinical treatment services through regular visits and community program reviews.

Contract Monitoring

Contract negotiation and monitoring are also provided by CONREP Operations staff. Contracts between the state and community programs are to reflect the changing population and needs of individual community programs. They are negotiated annually and may be amended on an as-needed basis.

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

STATE DEPARTMENT OF MENTAL HEALTH

CONREP Operations (cont.)

Fiscal & Data Support Function

Staff develop and monitor the budget for state and community program operation. It is also responsible for determining the program data and evaluation requirements to support program operation to include the collection and analysis of the information received.

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

STATE DEPARTMENT OF MENTAL HEALTH

State Hospitals

Role in Treatment

Even though the state hospitals are not part of the Forensic Conditional Release Program (which by definition is a community outpatient program), they play an integral role in the treatment of the judicially committed patient and mentally disordered offender. In most cases, patients are initially committed to a state hospital for inpatient treatment, and only later committed to community outpatient treatment.

Identified Hospitals

There are four State Hospitals, Atascadero, Patton, Napa and Metropolitan that serve as the inpatient treatment facilities for the judicially committed patient. For further information on hospital roles, see section **1310: STATE HOSPITAL SERVICES**.

Hospital Forensic Coordinator

Each state hospital designates a Hospital Forensic Coordinator who is responsible for coordinating services to this population. This coordinator also serves as a liaison with the Forensic Services Branch and local community programs.

CONREP Liaison Function

The liaison function with state hospitals is a necessary part of each CONREP program. It is essential that programs work effectively with state hospital Forensic Coordinators and treatment staff in order to be aware of the progress of hospitalized patients from their counties and to plan appropriately for their eventual release to the community.

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

STATE DEPARTMENT OF MENTAL HEALTH

Forensic Policy Dissemination

Policy and Procedure Manual

The CONREP Policy and Procedure Manual contains all current policies for the operation of community programs. Volume I deals with issues related to Clinical Services, Volume II with Fiscal and Data Administration.

The manual is updated on an ongoing basis. All contractors and employees shall abide by the policies and procedures delineated in this manual. (See **Section 1110: Introduction** for further manual information.)

Previous Policy System

Prior to the publication of this Policy and Procedure Manual, new policies were issued through a Forensic Special Order (FSO) series. Other general program information was disseminated through the use of Forensic Service Branch (FSB) Information Letters. Both of these series were discontinued with the advent of the new manual which has incorporated all information and policy contained in those documents.

Forensic Information Letter

The current procedure for communicating with community programs is the use of the Forensic Information Letter (FIL). All general information disseminated to community programs utilizes this system.

All new or revised policies are written in the manual format and sent via a Forensic Information Letter with instructions for inclusion in the Policy and Procedure Manual. The FIL series has a numbering system which indicates the year and sequence of distribution.

PROGRAM DESCRIPTION:

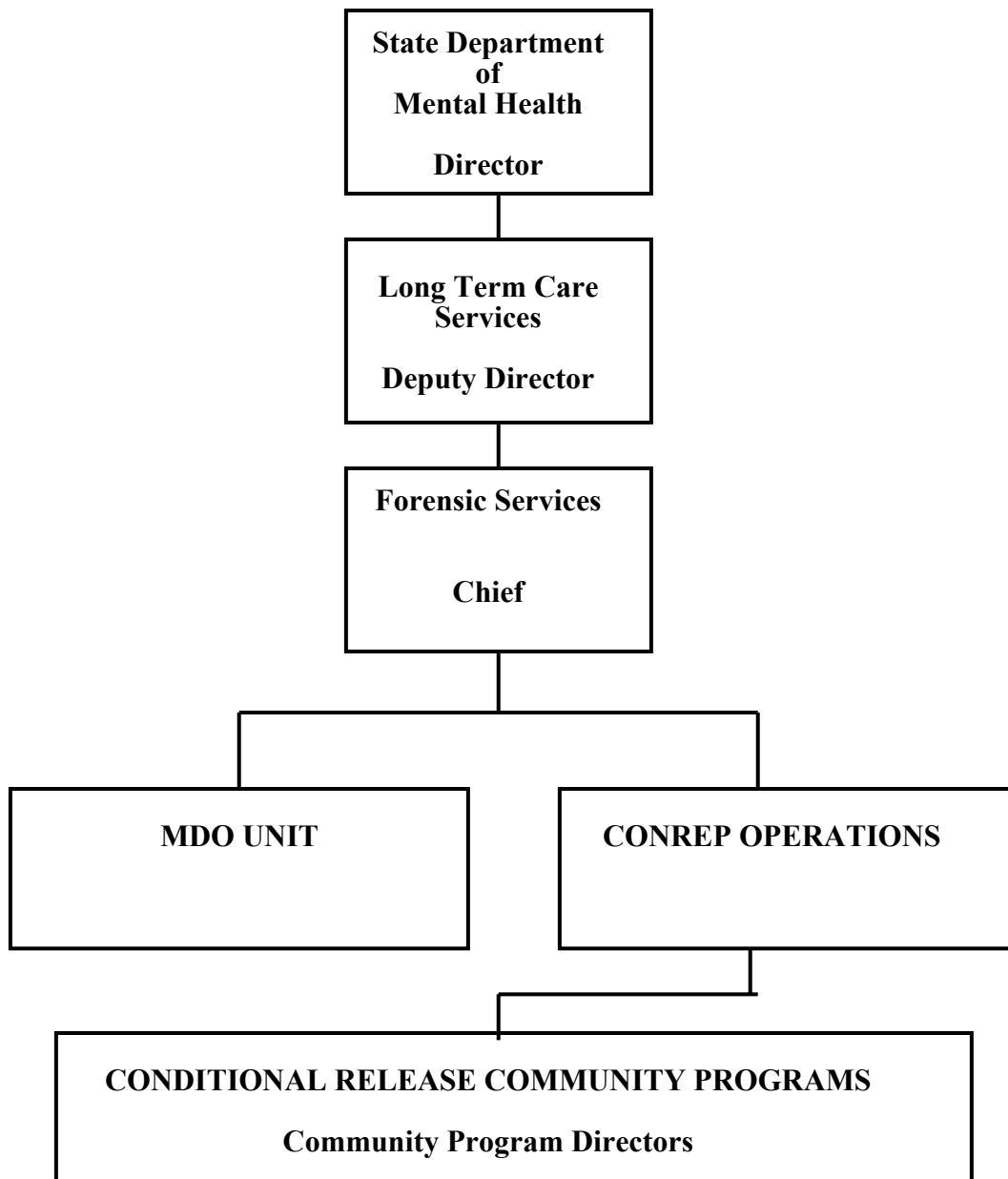
1120

ROLES AND RESPONSIBILITIES

FORENSIC CONDITIONAL RELEASE PROGRAM

ORGANIZATIONAL CHART

Chain of Command



CONREP POLICY AND PROCEDURE MANUAL

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

COMMUNITY PROGRAMS

Service Contracts

Contractors

The State contracts with local county or private providers to provide community outpatient services to the identified target populations. In the majority of cases, the contractor is the local county mental health program. In other instances, the contract may be with a private provider. Either of these types of contracts may be for individual counties or regional programs.

Once the state has contracted with a county mental health department or private provider to provide community outpatient services to the target population, it is the responsibility of that contractor to fulfill all of the conditions of that contract.

24 Hour Coverage

A CONREP program must maintain the capacity to respond to patients on a 24 hour a day basis. This can be accomplished either through staff on-call availability or through an arrangement with another clinical 24 hour back-up service. The staff of this service must have been trained and have readily available detailed procedures, including when to contact the Community Program Director or designee.

Program Organization

The organization of community outpatient services to the identified CONREP target populations is vital for effective delivery. Local Forensic Conditional Release Programs shall be a clearly identified entity within the contracting agency and reflected as such in the agency's organizational chart.

The Community Program Director's assignment should not compete with other roles and assignments in the larger agency organization.

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

COMMUNITY PROGRAMS

Program Structure

The program shall have responsibility and clear authority for all aspects of patient treatment and supervision. The following characteristics of an integrated program are expected to be incorporated into the organization of all Forensic Conditional Release Programs.

Program Characteristics

Central Administration and Responsibility

The administration of all program functions is centrally located. The responsibility for case management, placement evaluations, court liaison, and patient treatment and supervision rest with the Community Program Director or designee. These functions and responsibilities may be assigned to staff members or specialized units receiving appropriate ongoing clinical supervision.

Program Authority

The program is vested with final treatment authority and responsibility to direct all treatment and supervision, including that obtained from other providers.

Staff Orientation, Supervision and Meetings

All staff receive appropriate orientation to CONREP philosophy, State policy and procedures and appropriate statutes. All staff shall participate in ongoing clinical supervision. Staff shall hold regular clinical and administrative meetings that are documented.

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

COMMUNITY PROGRAMS

Program Characteristics (cont.)

Interdisciplinary Focus

The program utilizes a full array of mental health treatment modalities. Within the limitations of size and funding, the program should employ various professional disciplines, organized as an effective team under the direction of the Community Program Director.

Treatment, evaluation and case management services are to be coordinated and reinforce one another. Cooperative, focused decision making is vital for the successful treatment and management of the forensic patient by avoiding the “splitting of authority.”

Staff Diversity/Cultural Competence

Program providers shall take steps to ensure that program staff reflect the diversity of patients served. This includes providing services that are culturally appropriate.

Policies and Procedures

DMH forensic policies and procedures shall be adapted to the specifics of the local situation and applied uniformly throughout the program. These local policies and procedures should be contained in a Program Policy and Procedure Manual.

Community Program Director

Department Designation

According to statute [PC 1605(a)], the Department has the authority to designate a community program director who shall be responsible for administering the community treatment programs for persons from a county or region.

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

COMMUNITY PROGRAMS

Community Program Director (cont.)

Designation Process

A program shall submit a written application to the CONREP Operations Manager to propose an individual as Community Program Director. For County Mental Health Programs, the County Mental Health Director or designee shall submit such a request.

For a private provider, the Chief Executive Officer shall submit the request. A provider shall submit an application before beginning service delivery or when there is a proposed change in the Community Program Director.

Application

The application shall include, but not be limited to the following:

- * Name and social security number of the applicant;
- * Licensure type, license number and renewal date;
- * Resume of work history related to required knowledge and skills;
- * Date proposed Community Program Director would begin duties; and
- * When applicable, Request for Waiver of Licensure with supporting justification as indicated below.

Licensure

The Department requires that the Community Program Director be a licensed member of one of the following professions: psychiatrist, licensed psychologist, Licensed Clinical Social Worker; Marriage and Family Therapist or a psychiatric nurse with a master's degree.

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

COMMUNITY PROGRAMS

Community Program Director (cont.)

Waiver of Licensure

The Department will consider a waiver of the licensure requirement if the proposed designee possesses demonstrated ability in the following clinical and administrative skills.

Knowledge and Skills

The Community Program Director of a local Forensic Conditional Release Program should possess:

- * Clinical and educational qualifications appropriate for forensic assessment of clinical treatment needs and placement readiness;
- * Demonstrated ability to provide full participation and leadership in court commitment procedures;
- * Capability to participate actively in interagency policy decisions and communication; and
- * Ability to monitor and evaluate treatment provided by others.

Professional Staff

Ethical Behavior

Given the authority delegated by statute to the CONREP program and the discretionary authority staff are allowed to exercise over patients' liberties, all staff and clinicians are expected to exemplify the highest ethical standards. This is critical to a program's ability to credibly fulfill its responsibilities to public safety and patient welfare. It is also essential to maintain the good will of the public, the courts and the engagement of patients entrusted to CONREP's care and supervision.

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

COMMUNITY PROGRAMS

Professional Staff (cont.)

Licensure

All professional staff providing treatment services in a local community program shall possess current valid licensure appropriate to the scope of their practice. Such licensure shall be maintained in good standing and without conditions at all times.

Before hiring any applicant for a CONREP position requiring licensure, the program shall verify license status with the relevant licensing authority to ensure that the license is current and in good standing. On an annual basis, programs will submit a list of all licensees, indicating their license type, license number and renewal date to their CONREP Operations liaison. CONREP Operations may, at any time, verify licensure status with the appropriate licensing authority.

The licensing requirement may be waived by the CONREP Operations Manager for persons in the professions of psychology; clinical social work; or marriage and family therapy who are gaining qualifying experience toward licensure in their profession as defined in WIC 5751.2. Please see **Waiver of Licensure Process** below for a detailed discussion. For procedures regarding licensing investigations, please refer to **Licensing Authority Investigations** at the end of this section.

Knowledge and Skills

All staff shall possess the following knowledge and clinical skills necessary to provide appropriate program services to meet the needs of the target population. These skills can either be developed prior to employment or acquired through a supervised on-the-job training program.

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

COMMUNITY PROGRAMS

Professional Staff (cont.)

Knowledge and Skills (cont.)

- * Working knowledge of judicial commitments including the statutory and case law foundation of the commitment process and the legal role, authority, and responsibilities of CONREP;
- * Understanding and acceptance of the dual treatment and supervision roles required of treatment staff;
- * Application of effective mental health treatment approaches to this specialized population;
- * Ability to focus treatment on forensically relevant behavior;
- * Familiarity with methods of successful client monitoring and supervision, clinical uses of authority, and negotiating treatment terms and conditions;
- * Documentation skills to complete court reporting requirements and accurate and relevant treatment service notes in the patient's clinical record;
- * Techniques to ensure continuity of care as patients move from inpatient to community treatment status; and
- * Awareness of the contents of the CONREP Policy and Procedure Manual and local program policies and procedures, including data reporting requirements.

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

COMMUNITY PROGRAMS

Waiver of Licensure Process

Registration Requirements

All clinical program staff who are applying for a waiver of licensure, shall register with the appropriate licensing agency within thirty days of being hired. The Community Program Director shall maintain proof of the employee's registration and shall mail a copy of that registration to the office of CONREP Operations along with a completed **Licensure Waiver Request (MH 7016)** form (see below).

The Community Program Director is responsible to ensure that each registrant continues in that capacity while awaiting licensure and shall mail a copy of proof of continued registration to CONREP Operations each year not later than 30 days following the expiration date of registration.

Failure of the employee to maintain required registration, where applicable, or the Community Program Director to comply with these requirements may result in an audit exception for the proportionate cost of the position in question.

Duration of Waiver

Marriage and Family Therapist Intern (MFTI) & Associate Clinical Social Worker (ASW)

The waiver of licensure for a MFT Intern or an ASW on staff will be granted during the period of time that the person is registered with the appropriate licensing agency.

Unlicensed Psychologist

The waiver of licensure for unlicensed persons in a psychology position shall be for the period of time necessary to gain the required hours to take the licensing exam or while a Registered Psychological Assistant pursuant to 2909(d) of the Business & Professions (B&P) Code. The Board of Psychology holds that the waiver granted while gaining qualifying experience is not valid beyond the 3000th hour.

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

COMMUNITY PROGRAMS

Waiver of Licensure Process (cont.)

Licensure Waiver Request Form
[MH 7016]

Programs hiring an unlicensed person for a clinical position in CONREP shall submit the following information to CONREP Operations on a **Licensure Waiver Request (MH 7016)** form:

- * Contractor name;
- * Name of employee;
- * Date of employment;
- * Degree, school or program and date obtained;
- * Licensure category for waiver;
- * Date of registration with applicable Board (if applicable);
- * Hours of qualifying experience attained (as of date of Licensure Waiver Request);
- * Anticipated date of licensure and plan to achieve licensure by that date; and
- * Supervisor's name, license type, and number.

Unlicensed Psychologists

When a program hires an unlicensed person for a psychology position, the Community Program Director shall be responsible for determining that the person is either: (a) gaining the qualifying experience (3000 hours) for taking the Psychology licensure examination or (b) a Registered Psychological Assistant pursuant to B&P Code 2909(d).

The Community Program Director shall also be responsible to ensure that unlicensed psychologists do not work beyond the time during which they have gained the qualifying experience, unless they are a Registered Psychological Assistant.

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

COMMUNITY PROGRAMS

Waiver of Licensure Process (cont.)

Documentation of Waiver Requirements

The Community Program Director is to maintain all documentation for employees in the individual's personnel file. This includes a copy of the person's license, once that is attained. All requirements of the Business and Professions Code applicable to the specific employee shall be met by the program administration and the individual staff member.

These requirements include making sure that the person's practice is within the scope of their license, as defined by the respective licensing agencies and the applicable Business and Professions Code.

Supervision

The Community Program Director shall maintain the level and type of supervision required for the unlicensed person to attain the required hours according to the requirements for the respective professional code. These requirements are found in Business & Professions Code Section 4980.43 for MFTs; Section 4996.20 for LCSWs; and Section 1387 for Psychologists.

Licensing Authority Investigations

CONREP Notification

Upon becoming aware that charges have been filed with the licensing authority regarding any person working in a CONREP program, the Community Program Director shall immediately inform CONREP Operations of the nature of the charges and the status of the licensee with regard both to the licensing authority and employment with the provider. Further, CONREP Operations should be informed of relevant stages of the investigation and disposition of the charges.

PROGRAM DESCRIPTION:

1120

ROLES AND RESPONSIBILITIES

COMMUNITY PROGRAMS

Licensing Authority Investigations (cont.)

Licensing Authority Action

No person shall practice in CONREP whose license has been revoked or suspended for any reason. No person shall practice in CONREP whose license has been placed on probation by a licensing authority unless it has been made clear to CONREP Operations that the actions which form the basis of the probation are not relevant to practice with CONREP patients.

Request for Continued Employment

If the contractor wishes to continue employing the person for CONREP services after the relevant licensing authority imposes probation, then the contractor shall forward a request to their CONREP Operations liaison along with all relevant information. After review, CONREP Operations may grant or deny the request or ask the employer to impose appropriate further conditions on the practice of the individual.